

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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UNITED STATES OF AMERICA

v.

JOHN BRUENS, MARY STEWART, MARC  
SIROCKMAN, MELISSA VAUGHN

Defendants.

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Criminal No. 05-10102-JLT

**DEFENDANT MARC SIROCKMAN'S SUPPLEMENTAL BRIEF IN SUPPORT OF HIS  
MOTION FOR MODIFICATION OF ORDER SETTING CONDITIONS OF RELEASE**

As the Court requested at the hearing on August 23, 2006, Defendant Sirockman submits the following supplemental information in support of his Motion for Modification of Order Setting Conditions of Release.

(1) In 2005, Mr. Sirockman earned an incentive trip through his company to take an international vacation with his family. The trip was initially scheduled and booked for 2005, but was cancelled because of circumstances surrounding his indictment in this matter.

(2) As a result of this cancellation, Mr. Sirockman was given 2 travel vouchers that expired within a year of when the trip was originally scheduled (November 2005). Accordingly, he had to take the trip prior to November 2006 or he would lose the entire trip that he had earned through his work. See Exhibit A, travel vouchers with November 2006 expiration date.

(3) In early June, believing that it was possible that the case may be tried in September or October of this year and thus would be over by November, and knowing that if he did not take the trip prior to November 2006 he would lose the travel credit completely, Mr. Sirockman booked his family vacation to the Grand Cayman Islands. See Exhibit B, Sirockman

family travel itinerary with Continental Airlines. In preparation for this trip, Mr. Sirockman and his two children have begun taking scuba diving lessons to earn their scuba certification.

(4) When it became apparent that the trial was not likely to occur before the late fall, Mr. Sirockman moved this Court to set aside his conditions of release and allow him to travel to the Grand Cayman Islands for his family vacation.

(5) As stated in his Motion and Opposition to the Government's Motion for Reconsideration, Mr. Sirockman has fully abided by all pre-trial conditions on all international travel in the past and poses no risk of flight.

Accordingly, Mr. Sirockman requests that this Court grant his Motion for Modification of Order Setting Conditions of Release.

Respectfully submitted,

**MARC SIROCKMAN,**

By his attorneys,

/s/ McKenzie E Webster  
Tracy A. Miner, BBO # 547137  
McKenzie E. Webster BBO #651204  
Mintz, Levin, Cohn, Ferris,  
Glovsky & Popeo, P.C.  
One Financial Center  
Boston, Massachusetts 02110  
(617) 542-6000 (phone)  
(617) 542-2241 (fax)

**Dated:** August 24, 2006

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing motion was filed electronically in compliance with ECF procedures on this 24th day of August 2006.

/s/ McKenzie E Webster  
McKenzie E Webster

# **EXHIBIT A**

# **CERTIFICATE** Continental Airlines

## ELECTRONIC TRAVEL CERTIFICATE

Please note this certificate is not a ticket

CUSTOMER/ISSUANCE INFORMATION		
<b>MARCMR SIROCKMAN</b> <b>15 COVERED BRIDGE RD</b> <b>FLEMINGTON, NJ 088224902 US</b>	Number of Certificates	Total Value
	<b>1</b>	<b>974.00</b>
	Promotion Code	P.I.N. Code
	<b>05TCVA</b>	<b>5984126</b>
	Issued Date	Expiration Date
	<b>11/18/2005</b>	<b>11/18/2006</b>
	Original Ticket Number	
	<b>0</b>	
Notes: Valid towards the purchase of one electronic airline-ticket, where eligible, on Continental up to \$ 974.00.		

RELEASE OF LIABILITY
By acceptance of this travel certificate you release Continental; the operating carrier, and their respective employees, agents and representatives from any and all liability, claims or damages resulting or arising from the matters relating to your flight, compensation therefore or any related complaint.

REDEMPTION INSTRUCTIONS
1) For redemption log on to <a href="http://Continental.com">Continental.com</a> or call Continental Airlines for Domestic Travel at (800) 525-0280 for International Travel at (800) 231-0856 or visit a Continental Ticket Office. Certificates may not be redeemed through a Travel Agency. 2) Advise the agent that you will be redeeming a Electronic Travel Certificate. 3) Be prepared to offer the agent the Promotion Code, P.I.N. Code and Total Value.

CERTIFICATE TERMS AND CONDITIONS
CO REF: GG ETC
1) For redemption log on to <a href="http://Continental.com">Continental.com</a> or call Continental Airlines for Domestic Travel at (800) 525-0280 for International Travel at (800) 231-0856 or visit a Continental Ticket Office. Certificates may not be redeemed through a Travel Agency. 2) The certificate may be redeemed for credit up to its face amount only towards the purchase of one electronic airline ticket, where eligible, from Continental. The Promotion Code and PIN must be presented at time of ticket purchase and expires one year from date of issue. 3) The certificate will not be honored in connection with prepaid tickets, tour packages or the purchase of non-transportation documents or items; such as excess baggage charges, pet charges etc. 4) This certificate receipt has no cash value, no residual value, that is if the face amount of this certificate exceeds the cost of the ticket for which it is surrendered, you will not receive any credit in return, is non-refundable and non-transferable, and cannot be combined with other travel certificates with promotion code TCVA or other travel certificates that represent a form of payment. 5) Positive identification may be required when using this certificate towards the purchase of a ticket. Continental is not liable for loss, theft or use of this certificate receipt by a person other than the original issuee. 6) Continental means Continental Airlines Inc., Continental Express Inc., and Continental Micronesia Inc., and with respect to redemption, certain Continental selected code-share flights.

# **CERTIFICATE** Continental Airlines

## **ELECTRONIC TRAVEL CERTIFICATE**

Please note this certificate is not a ticket

<b>CUSTOMER/ISSUANCE INFORMATION</b>		
<b>DEBORAHMS SIROCKMAN</b> <b>ARC SIROCKMAN</b> <b>15 COVERED BRIDGE RD</b> <b>FLEMINGTON, NJ 08822 US</b>	Number of Certificates <b>1</b>	Total Value <b>930.00</b>
	Promotion Code <b>05TCVA</b>	P.I.N. Code <b>5196491</b>
	Issued Date <b>11/18/2005</b>	Expiration Date <b>11/18/2006</b>
	Original Ticket Number <b>0</b>	
Notes: Valid towards the purchase of one electronic airline ticket, where eligible, on Continental up to \$ 930.00 .		

<b>RELEASE OF LIABILITY</b>
By acceptance of this travel certificate you release Continental; the operating carrier, and their respective employees, agents and representatives from any and all liability, claims or damages resulting or arising from the matters relating to your flight, compensation therefore or any related complaint.

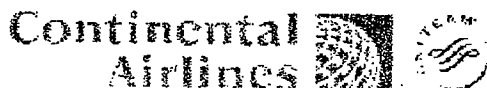
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2) Advise the agent that you will be redeeming a Electronic Travel Certificate.
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3) The certificate will not be honored in connection with prepaid tickets, tour packages or the purchase of non-transportation documents or items; such as excess baggage charges, pet charges etc.
4) This certificate receipt has no cash value, no residual value, that is if the face amount of this certificate exceeds the cost of the ticket for which it is surrendered, you will not receive any credit in return, is non-refundable and non-transferable, and cannot be combined with other travel certificates with promotion code TCVA or other travel certificates that represent a form of payment.
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# **EXHIBIT B**

**Marc Sirockman**

**From:** Continental Airlines, Inc. [continentalairlines@continental.com]  
**Sent:** Friday, June 02, 2006 4:06 PM  
**To:** SIROCKMAN@PATMEDIA.NET  
**Subject:** eTicket Itinerary and Receipt for Confirmation DE6RFN



Issue Date: June 2, 2006

**eTicket Confirmation: DE6RFN**

Sat 18NOV06	CO 1080	K NEWARK EWR	9:25AM	GRAND CAYMAN BWI	1:55PM	737-700	SNACK
Sat 25NOV06	CO 1081	N GRAND CAYMAN BWI	2:40PM	NEWARK EWR	6:28PM	737-700	SNACK

Traveler (4)	eTicket Number	Frequent Flyer	Seat(s)
SIROCKMAN / MARCMR	0052171221819	CO-TN757053 Silver / ST Elite	7E/8C
SIROCKMAN / DEBORAHMS	0052171221826		7D/8B
SIROCKMAN / MARCMATTHEWMR	0052171221832		7F/8D
SIROCKMAN / BLAIRANNMISS	0052171221840		7C/8A

**Fare:** 642.00 **Combined Tax:** 84.25 **Per Person Total:** 726.25 **eTicket Total:** 2,905.00 USD

**Combined Tax/Fee Detail:** Cayman Islands Departure Tax: 25.00, Cayman Islands Terminal Fee: 1.25, U.S. Immigration User Fee: 7.00, U.S. Federal Transportation Tax: 29.00, U.S. APHS User Fee: 5.00, U.S. Security Service Fee: 2.50, Cayman Islands Security Tax: 10.00, U.S. Passenger Facility Charge: 4.50

**Method of Payment:** CERT

**Fare Rules:** Additional charges may apply for changes in addition to any fare rules listed.  
NONREF/OVALUAFTDPT/CHGFEE  
Cancel reservations before the scheduled departure time or TICKET HAS NO VALUE.

**Additional Charges:** June 2, 2006, VISA XXXXXXXXXXXX3387 was charged \$40.00 for the following: Ticket Service Fee - \$40.00/10 per person/NON REF

→ Seats listed in flight order and subject to change

**International eTicket Reminders**

- **Check-in Requirement** - Bags must be checked and boarding passes obtained at least 60 minutes prior to scheduled departure. Baggage will not be accepted and advance seat assignments may be canceled if this condition is not met.
- **Boarding Requirement** - Passengers must be prepared to board at the departure gate with their boarding pass at least 30 minutes prior to scheduled departure
- **Failure to meet the Boarding Requirements** may result in cancellation of reservations, denied boarding, removal of checked baggage from the aircraft and loss of eligibility for denied boarding compensation
- **Bring this eTicket Receipt** along with photo identification, proof of citizenship, passport and/or visa to the ticket lobby for check-in
- The FAA now restricts carry-on baggage to one bag plus one personal item (purse, briefcase, laptop computer, etc.) per passenger

6/2/2006

- For up to the minute flight information, sign-up for our Flight Status E-mail at [continental.com](#) or call 1-800-784-4444; in Spanish 1-800-579-3938
- If flight segments are not flown in order, your reservation may be cancelled
- For the most current status of your reservation, flights and other important policies, go to [continental.com](#)
- Your eTicket is non transferable and valid for 1 year from the issue date unless otherwise noted in the fare rules above
- International taxes and fees may be collected at your departure airport

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### Continental Checked Baggage Policy

OnePass Elite Economy Class passengers are allowed 2 checked bags. The maximum weight allowed is 70 pounds and 62 linear inches (total length + width + height) per piece. Read the complete details at [continental.com](#).

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### Check the Weather Before You Fly

Be prepared for your trip. Check [continental.com](#) for the Weather Channel forecast for your destination.

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### Continental Currency: Coupons for In-flight Purchases

Customers now have the option to use Continental Currency in lieu of cash for in-flight purchases of audio headsets, beer, cocktails or wine. Continental Currency is available at all eService Center kiosks which dispense coupons in increments of one, two, three or six coupons, each worth 5.00 USD. Discounts are given for packs of three or six coupons.

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### AirTrain Newark Really Flies. Connect to the Airport in 30 Minutes.

From Penn Station take either Amtrak or NJ Transit and arrive in less than 30 minutes to the Newark Liberty International Airport station. From there connect with the AirTrain and go right to the terminal. For more information visit [continental.com](#).

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### TripAlert - Exclusively for OnePass Members

This free service sends notification of delays or cancellations to your e-mail enabled pager, mobile phone and/or PC. You only need to sign up once. Sign in to your account at [continental.com](#) and select "E-mail Settings" to get started.

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### IMPORTANT CONSUMER NOTICES

- Your travel is subject to Continental's Contract of Carriage terms. The Contract is available at any CO ticketing facility, [continental.com](#) or by calling 1-800-525-0280. The Contract terms include rules about limits on liability for personal injury or death and for loss, damage, or delay of goods and baggage, check-in times, overbooking, security issues, reservations, denial of carriage, refunds, claims limits and restrictions, including time limitations for filing a claim or lawsuit, and schedule changes and irregularities.
- On domestic flights, Continental's maximum liability limit for checked baggage is \$2800 USD per passenger and Continental excludes liability for all unchecked baggage. On international flights governed by the Warsaw Convention (including the domestic portions of the trip), maximum liability for checked baggage is approximately \$640 USD per bag, and \$400 USD per passenger for unchecked baggage. On international flights governed by the Montreal Convention (including domestic portions of the trip) maximum liability for baggage is 1,000 SDRs (approximately \$1460 USD) per passenger for checked and unchecked baggage. You can declare excess valuation on certain baggage at the airport, additional fees will apply. Continental excludes liability for fragile, valuable or perishable items carried in all baggage including jewelry, computers, cash, camera equipment and similar valuables. If any of these items are lost, damaged or delayed, you will not be entitled to any reimbursement.
- For international flights, a treaty known as the Warsaw or the Montreal Convention may apply to the entire journey. When applicable, it governs, amongst other things, the liability of the carrier for baggage and death of or injury to passengers.
- Your ticket jacket and the Contract of Carriage contain further detail of these terms.
- **Personal Health** - For important health tips before your flight, including information on a serious condition called [Deep Vein Thrombosis](#), please visit [Continental.com](#) or call 1800WECARE2. This information is also in the Continental magazine on board your flight.

**Thank you for choosing Continental Airlines**

*on Continental*